

-163025

**Multi-Media Inspection  
RCRA, C.W.A., TSCA/PCB, & UST**

**Franklin Smelting & Refining Corp.  
3100 E. Castor Ave.  
P.O. Box 12735  
Philadelphia, Pa. 19134**

**Inspection Dates: October 15 & 16, 1997**

**Inspection Participants:**

**EPA: Gerard W. Crutchley  
Environmental Protection Specialist  
Facility Inspection Program, Region III**

**Marilyn Gower  
Environmental Scientist  
Facility Inspection Program, Region III**

**Claudette Reed  
ECO, Region III**

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**Susan Sciarratta  
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**PaDEP: David Burke  
Water Quality Specialist**

**Chris Smolar**

**AR100012**

Facility: Michael Saltzburg  
President

### Background

The State of Pennsylvania contacted EPA, Region III to request EPA's assistance in investigating RCRA, RCRA/UST, and storm water violations at Franklin Smelting & Refining Corporation. Region III's Hazardous Waste Division was already investigating possible RCRA violations based on a referral from EPA, Region VII that the facility was shipping hazardous waste into Region VII without manifests.

EPA Region III's Water Division & the Office of Enforcement Coordination requested that Region III's Facility Inspection Program conduct a multi-media inspection at Franklin Smelting and an adjacent facility, MDC Corporation. The inspection request was in response to Pennsylvania's request for assistance, as well as a number of other factors including, but not limited to, potential water violations at the facility (Franklin Smelting had been identified by the City of Philadelphia as being in significant noncompliance of their wastewater discharge pre-treatment permit) and the facility is in violation of a Clean Water Act Consent Order issued by EPA, potential RCRA violations (e.g. manifesting, illegal hazardous waste units, storage and improper leak detection for their underground storage tank) and the facility was in violation of a Clean Air Act consent decree.

Additional information regarding the factors leading to the request for the multi-media inspection is summarized in a status report prepared by Chris Pilla on 9/23/97 (See Attachment No. 1).

A project plan, outlining the proposed inspection activities, was prepared prior to the inspection and distributed to all inspection participants. The project plan included background information concerning the facility, the inspection procedures normally followed during a multi-media inspection and the proposed sample locations. A copy of the plan is provided as an attachment to this report (See Attachment No. 2).

10/15/97

### Opening Conference

On October 15, 1997, the inspection team arrived at Franklin Smelting & Refining Corporation and met with Mr. Michael Saltzburg, President. The inspection team leader, Gerard Crutchley, explained to Mr. Saltzburg what we expected to accomplish during the inspection and Claudette Reed provided Mr. Saltzburg with an explanation of why the facility was selected for an inspection.

Mr. Saltzburg said that because of financial problems the plant had been shut down for approximately one month. Another company was interested in buying Franklin Smelting and

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Mr. Saltzburg said that he expected that the purchase would probably take place within the next thirty days.

The inspection team questioned Mr. Saltzburg about the slag material generated at the facility and sold to MDC Corporation. Mr. Saltzburg said that all of the slag material is sold to MDC, who in turn processes the material for use in manufacturing roofing shingles and as a blasting medium for sandblast operations. Mr. Saltzburg said that the large stockpile of slag material at MDC was due to a decline in the realty (building) market. Claudette Reed requested that Mr. Saltzburg provide some documentation for the amount of slag material sold to MDC. Mr. Saltzburg said they do not weigh each load of slag sent to MDC, but an estimate of the amount sold (annual tonnage) is maintained at the facility; however, Mr. Saltzburg said that those records had been maintained by Mr. Bill Devlin, the facility's environmental manager, and at the time of the inspection, Mr. Devlin was temporarily laid off due to the financial problems and the plant closure. Mr. Saltzburg said that he would try and locate the records and provide us with copies. Mr. Saltzburg did say that he considers the slag material to be a co-product and not a waste material.

Mr. Saltzburg talked about the new baghouse for the blast furnace which began operating in February 1997. He said that the baghouse does not meet design specifications because of insufficient capacity; however, the manufacturer has agreed to upgrade the baghouse to provide the additional capacity required to operate according to design specifications.

Mr. Saltzburg said that they have spent approximately five to six million dollars over a period of time to address environmental concerns; however, he did not comment on how the money was spent.

The inspection team next discussed with Mr. Saltzburg the incidents where water was pumped from the south side process area up to Castor Ave and discharged to the storm sewer. Mr. Saltzburg said that at the time those incidents occurred he was not involved in the day to day operations of the plant and he was not aware, at that time that these incidents had occurred. However, Mr. Saltzburg did say that those occurrences should not have happened. Mr. Saltzburg also said that the most recent incident where water was pumped from the facility up to the street had nothing to do with Franklin Smelting. He said that on-site contractors involved in the construction of a new zinc sulfate plant pumped storm water, which had accumulated in the containment basin around one of the new tanks, up to Castor Ave.

Mr. Saltzburg said that when the plant is operating, storm water which accumulates on the property is pumped to the process area for use in the slag granulation process.

Mr. Saltzburg also said the storm water collected from the roof of the new building constructed over part of the process area is discharged to the city sewer.

#### Facility Tour

The inspection team accompanied by Mr. Saltzburg conducted a tour to observe all areas

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of the facility. Following are the observations made in each area of facility visited during the tour.

#### North side of Castor Ave.

The largest building in the north yard of the facility houses the facility's offices, a storage warehouse, an employee locker room, a mechanical contractor's shop, a scrap cutting room and a scrap sample storage area.

The warehouse area contained mainly spare parts for the facility's process machinery. There was however, eighty metal drums stored in the warehouse (See Photo No. 1). Each of the drums had a capacity of 55 gallons. The drums were all marked with the same label which indicated that the drums contained flue dust, "arsenical dust, UN 1562" poisonous (See Photo No. 2). The labels also indicated that the drums came from Cox Creek Refining Co. In Baltimore, Maryland. Mr. Saltzburg said that they had purchased the flue dust from Cox Creek Refining with the intentions of refining the material in their process because it has a high copper content (40%); however, they found that the material contained too many contaminants and could not be used in their process. Mr. Saltzburg said that he was not sure how long the drums had been at the facility, but he did say it had been at least one year. Mr. Saltzburg said they now intend on selling the material to someone else. Mr. Saltzburg also said that they have analytical test results for this material which he would provide to us if he could locate the records.

The drums were stored on wooden pallets stacked three drums high. The drums were all in good condition and there was no evidence of any leaks or spills from the drums.

As previously mentioned, other areas of the building contained a mechanical contractor's shop and a scrap cutting room. There were no waste materials observed in either of these two shops. Another area of the building observed during the inspection was a scrap sample storage area. In this area, the EPA inspector observed small containers and crates which contained samples from each load of scrap material purchased by the facility. Mr. Saltzburg said that these materials would be used in their process.

Outside of the warehouse building, the EPA inspector observed several hundred nylon tote bags containing baghouse dust (See Photo Nos. 3, 4 & 5). The bags were stacked in a large pile which extended approximately several hundred feet from the northwest corner of the property to a concrete loading dock located along the back fence line of the facility (See Diagram No. 1). Some of the bags were torn and the material had spilled onto the ground. It appeared that the area around portions of the stockpiled bags was covered with concrete. Mr. Saltzburg indicated that in this area of the facility the ground was covered with concrete.

In this same area of the facility, the EPA inspector observed approximately one hundred fifty metal drums (See Photo Nos. 6, 7 & 8). The drums were stacked two drums high on wooden pallets. Each of the drums had a capacity of 55 gallons. Some of the drums were marked with labels; however, because of exposure to the weather, the EPA inspector was unable

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to read any of the labels. It appeared that the drums had been in this location for a long period of time because of the extent of corrosion on most of the drums. Some of the drums had rusted completely through exposing the drum contents (See Photo No. 9). Mr. Saltzburg said that these drums also contained flue dust, the same material that was contained in the eighty drums in the facility's warehouse. Mr. Saltzburg said that he was not sure how long these drums had been at this location.

Adjacent to the warehouse building and several large piles of scrap material, the EPA inspector observed a large loader (See Photo No. 10). Under the loader's wheels there were approximately five to six 55 gallon drums which appeared to have been run over by the loader. Mr. Saltzburg said that he did not know what happened to the drums or what they might have contained. The location of the loader and the drums is depicted in the attached diagram (See Diagram No. 1). There was no evidence, such as visible stains on the ground, that the drums contents had been spilled onto the ground.

Located just to the east of the large office/warehouse building is the facility's truck/equipment repair building and a large metal shredder (See Photo No. 11). Mr. Saltzburg did not have the key to the garage building and he said he would have one of his employees open the building.

Directly behind the garage building is a large area of the yard that Mr. Saltzburg said had previously contained piles of scrap material. The area appeared to be a couple hundred feet in diameter and was completely covered with slag material (See Photo Nos. 12, 13, 27, 28 & 29). Mr. Saltzburg said that they had cleared the area and were using slag material to level the ground and they had planned to concrete over this area once it was leveled. Once completed, they intended on using this area for storage of materials. Chris Smolar, PaDEP, told Mr. Saltzburg that the slag did not meet the definition of clean fill.

At the east end of the north yard, there are two metal shears, a bailor and a truck scale building. One of the shears is hydraulically operated and at the time of the inspection a lot of oil had leaked from the shear and spilled on the floor under the shear (See Photo No. 16). The EPA inspector also observed several 55 gallon metal drums adjacent to the shear (See Photo No. 15). The drums were labeled as containing hydraulic fluid.

In the northeast corner of the north yard, the EPA inspector observed two large metal tanks (See Photo No. 17). Mr. Saltzburg said that the tanks were previously used at the facility, but he did not know for what purpose. The end of one of the tanks contained an open manhole and there was approximately four to five inches of oily sludge in the bottom of the tank.

In the southeast corner of the north yard adjacent to an old truck, the EPA inspector observed some black granular material on the ground. Mr. Saltzburg said that this was material that came from the reverbatory furnace and it would eventually be used again in the process.

The inspection team continued the tour along the Castor Avenue side of the north yard. Located next to an entrance gate, the EPA inspector observed a fenced enclosure which

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contained two transformers (See Photo No. 18). Visible stains were observed on the bottom third of both transformers; however, the EPA inspector did not observe any active leaks on either of the two transformers. One of the transformers was marked with a blue label indicating that the oil in the transformer had been tested at less than 50 PPM PCBs. The entrance gate to the enclosure was unlocked; however the gate was jammed and the inspector could not get into the enclosure to be able to record the information from the transformer nameplates.

The tour continued along the Castor Avenue side of the yard back towards the facility's office and warehouse building. Photo No. 19 shows a portion of the large slag fill area, scrap material piles, the truck scale building, the bailer and MDC Industries in the background.

Opposite the slag fill area along the Castor Avenue side of the yard, the EPA inspector observed a concrete block building which consisted of one room containing electrical equipment (transformers). The door to the building was locked; however, the EPA inspector was able to observe the transformers through a hole in the block wall. All of the equipment in the room appeared to be fairly new and there were no concerns that this equipment contained PCBs.

#### South side of Castor Ave.

The property located on the south side of Castor Avenue consists of all the facility's main process areas (e.g. blast furnace, briquetting operation, converter furnace, etc.).

The inspection team toured this entire area; however, all the processes were shutdown and the electricity to this part of the plant had been shut off.

As the inspection team toured the south yard, Mr. Saltzburg provided a description of the blast furnace & reverbatory furnace operation, the briquetting operation, the new zinc sulfate plant, and the converter furnace operation.

In the areas near the blast furnace baghouse and the converter furnace baghouse, the EPA inspector observed a number of nylon tote bags containing baghouse dust; however, the number of bags was small compared to the amount stored in the north yard.

In the large building housing the blast furnace, the EPA inspector observed an electrical room which contained four oil filled transformers. Two of the transformers were marked with a blue label indicating the oil in the transformer had been tested at less than 50 PPM PCB. The inspector was unable to read the information on any of the transformers nameplates. The EPA inspector observed dark stains on the bottom portions of all four transformers; however, no visible leaks were observed on the transformers.

An electrical room in the facility's converter furnace area contained four large electrical capacitors. The capacitor nameplates indicated that they were manufactured by Cornell-Dublier and that they contained combustible liquid (non-PCB). All four capacitors were marked with blue labels indicating they were non-PCB.

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The facility's main electrical room, located near the converter furnace building, contained two large capacitors and two large transformers. The information obtained from the transformer nameplates is as follows:

<u>Manufacturer</u>	<u>Serial No.</u>	<u>Gals. Of Oil</u>	<u>Fluid Type</u>
R. E. Uptegraff	77773	265	Askarel
ITE Circuit Breaker	13811	285	non-flammable liquid

Both of the transformers were marked with PCB ML labels and no leaks were observed on or near either transformer. The electrical room did however contain some trash, debris and pieces of old lumber (See Photo Nos. 20 & 21).

**\*NOTE:** During a previous PCB inspection conducted by EPA in 1991, combustible materials were observed in the same electrical room.

Of the two capacitors observed in the electrical room, one was manufactured by Westinghouse and contained PCBs as indicated by the nameplate. The other was manufactured by Cornell Dublier and was rated at 480 volts. Because of the configuration of the capacitors, the EPA inspector could only read a portion of the nameplates on both capacitors. The capacitors were not marked with any labels and no leaks were observed on or near the capacitors.

All of the access doors to the electrical room were marked with a PCB ML label.

After completing the tour of the south yard, the inspection team returned to the facility's office and requested from Mr. Saltzburg additional records related to the management of PCBs at the facility. Mr. Saltzburg said that like the other records we had requested at the outset of the inspection, these records had also been maintained by Mr. Devlin. Mr. Saltzburg said that he would try to contact Mr. Devlin that night and ask him where the records were maintained.

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On 10/16/97 Gerard Crutchley, Marilyn Gower, Andy Clibanoff and Grant Dufficy returned to the facility and met with Mr. Saltzburg to continue the subject inspection. Gerard Crutchley asked Mr. Saltzburg if he had contacted Mr. Devlin to find out the location of the records we had requested the previous day. Mr. Saltzburg said that he had talked with Mr. Devlin, but he was still not sure he would be able to locate the records.

The inspection personnel completed the tour at the facility's truck/equipment repair building. This building had been locked the previous day, but Mr. Saltzburg had located the key to the building. Inside the building, the EPA inspector observed one Safety Kleen parts washing unit. The unit was in operating condition although it was not in use at the time of the inspection. Mr. Saltzburg said Safety Kleen periodically comes into the facility, removes the used solvent from the parts washer and replaces it with new solvent. The EPA inspector asked Mr. Saltzburg if there were records available to indicate how often Safety Kleen services the unit and also what

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type of solvent that is used in the parts washer. As with the other records, Mr. Saltzburg said he did not know where they were and he would have to try and locate them.

### Sample Collection

Following the completion of the facility tour, inspection personnel began the collection of samples from a number of locations at the facility. The following table contains a listing of the samples collected during the inspection:

Sample No.	Date	Time	Sample Location/Description
FSR-1	10/16/97	0930	storage warehouse, drum marked as containing arsenical dust (flue dust)
FSR-2	10/16/97	1000	nylon tote bag containing dust from the blast furnace baghouse, north yard
FSR-3	10/16/97	1015	solid material from corroded drum in the north yard (arsenical dust ?)
FSR-4	10/16/97	1100	black, granular material, adjacent to old dump truck, north yard
FSR-5	10/16/97	1115	slag fill area, north yard, slag material
FSR-6	10/16/97	1130	black, granular material along north yard fence line adjacent to Castor Ave.
FSR-7	10/16/97	1250	water from slag pit, south yard
BLK	10/16/97	1235	acid blank
FSR-8	10/16/97	1309	nylon tote bag containing dust from converter furnace baghouse, south yard

Each of the solid samples was collected using a clean plastic scoop and the samples were placed into one liter glass containers with Teflon lined lids. The water sample from the slag pit was collected by lowering a clean glass container into the water in the pit and then pouring the sample into a clean one quart plastic jug. All of the samples were collected in duplicate to provide the facility with a split sample from each location.

The samples remained in the custody of Gerard Crutchley and Marilyn Gower and were returned to the EPA lab in Annapolis for analysis.

### Analytical Results

Of the eight samples, the seven solid samples were analyzed for TCLP metals and the water sample, collected from the facility's slag pit, was analyzed for total metals. The following table contains the analytical results from the solid samples collected during the inspection. The

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shaded results exceed the regulatory limits for the listed parameters (metals).

Sample Nos.	Arsenic ug/L	Barium ug/L	Cadmium ug/L **	Chromium ug/L	Lead ug/L	Mercury ug/L	Selenium ug/L	Silver ug/L
FSR-1	7810	735	67900	<25	22300	<0.5	4690	<200
FSR-2	<200	<200	7120	<25	109000	<0.5	<200	<200
FSR-3	<200	<200	795	<25	42800	<0.5	6500	<200
FSR-4	<200	483	134	<25	9960	<0.5	<200	<200
FSR-5	<200	350	673	<25	46200	<0.5	<200	<200
FSR-6	<200	523	568	<25	39400	<0.5	<200	<200
FSR-8	<200	<200	2610	<25	86700	<0.5	<200	<200

\*\* The results reported for cadmium in all of the samples are biased low. The actual results would probably be higher.

The water sample collected from the slag pit contained 80.1 mg/L of lead and 1.08 mg/L of cadmium. The significance of these reported values cannot be determined unless they are compared to some set regulatory limits (e.g. NPDES permit limits). According to facility personnel, this water is continuously recycled and there is no discharge to the city sewer or storm system; however, as noted in inspection reports from previous EPA inspections, slag is loaded onto trucks for transport across Castor Avenue to MDC Industries and it is possible the some amount of water drains from the slag material during transport.

A copy of the analytical results is included as an attachment to this report (See Attachment No. 3).

Following the collection of the samples, Gerard Crutchley accompanied Mr. Saltzburg back to his office to continue the subject inspection while the other members of the inspection team visited MDC Industries, the facility adjacent to Franklin Smelting. MDC Industries is the facility that purchases all of the slag material from Franklin Smelting.

#### TSCA/PCB

The EPA inspector, Gerard Crutchley, presented and explained to Mr. Saltzburg, a TSCA Notice of Inspection form and a TSCA Inspection Confidentiality Notice. Mr. Saltzburg read and signed both forms. At this time, the EPA inspector completed a PCB Use Authorization checklist and a PCB Record keeping checklist. Completed copies of both checklists are included as part of this report.

Mr. Saltzburg did produce copies of annual documents for the facility's two PCB Transformers and two PCB Capacitors. These documents had been prepared for calendar years 1991 to 1996 (See Attachment Nos. PCB-1 & PCB-2). Mr. Saltzburg also produced copies of PCB Transformer visual inspection logs covering the time period from April, 1991 to October, 1997 (See Attachment Nos. PCB-4 & PCB-5). These records indicated that quarterly inspections

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had been conducted on both of the facility's PCB Transformers since the previous EPA inspection in April, 1991. These documents also contained a record of daily inspections conducted on ITE Transformer, # 13811, which was leaking at the time of the April, 1991 EPA inspection. The records indicate that facility personnel conducted daily inspections for three days while the transformer was being repaired.

According to Mr. Saltzburg, following the 1991 EPA inspection, the facility hired a company to repair the leaking transformer and clean up any PCB contamination resulting from the leak. The material was then shipped off site for disposal. Gerard Crutchley requested copies of any documentation regarding the repair of the transformer and subsequent cleanup. Mr. Saltzburg said that he would have to locate these records and forward them to the EPA office following the inspection.

In addition to these records, Gerard Crutchley also requested from Mr. Saltzburg copies of any other records related to the management of PCBs at the facility, e.g. PCB analytical test results, manifests, certificates of disposal, etc.

#### Underground Storage Tanks

According to Mr. Saltzburg, the facility has one underground storage tank. The tank is used to store gasoline for use in the facility's vehicles. Background information obtained prior to the inspection indicated that the tank is constructed of steel. The tank was installed in November, 1986 and has a capacity of 10,000 gallons. The background information also indicated that the piping for the tank is constructed of iron and is of the suction type. A copy of a PaDEP inspection report (6/12/97) indicates that the tank was upgraded in April, 1994 with spill, overfill, and corrosion protection. The inspection report also indicated that the facility was not in compliance with the leak detection requirements (dispenser pump not calibrated & inventory records not maintained for one year) and corrosion protection requirements.

The EPA inspector requested from Mr. Saltzburg copies of any records regarding the underground tank at the facility. The only records Mr. Saltzburg could locate during the inspection were copies of monthly inventory records for January, 1997 to August, 1997 (See Attachment No. UST-1). These records were maintained on a clipboard in the facility's truck/equipment repair shop.

The EPA inspector, accompanied by Mr. Saltzburg, inspected the area of the facility where the underground tank was located. The tank is located just outside the facility's office/warehouse building (See Diagram No. 1 and Photo Nos. 38 & 39). It appeared that the concrete covering the tank area had been removed at one time and then replaced. The EPA inspector removed the metal cover from the fill pipe manhole. A spill containment bucket had been installed around the fill pipe and it was equipped with a small hand operated pump for removing material from the containment bucket (See Photo No. 40). At the time of the inspection, the spill containment bucket was partially filled with water. It appeared that the water probably ran into the manhole from around the metal manhole cover. There were two

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smaller wells at the opposite end of the tank from the fill pipe. The covers were removed from these wells and the EPA inspector observed that they contained what appeared to be pipes (See Photo Nos. 41 & 42). Mr. Saltzburg said that he did not know what the pipes were for. The dispenser pump, located adjacent to the tank, was marked with an old sticker indicating that it may have been serviced by a company named hiTech (See Photo No. 44). The vent pipe adjacent to the dispenser pump was marked with a sticker indicating that the tank had been permitted by the Commonwealth of Pa (See Photo No. 43). The sticker was marked with an expiration date of 2-4-98.

The EPA inspector next asked to see the gauge stick that facility personnel use to stick the tank. Mr. Saltzburg found the gauge stick in the truck/equipment repair shop. The gauge stick was long enough to reach to the bottom of the tank; however, the gauge stick was worn on the bottom and the markings for the first seven inches of the stick were not legible (See Photo Nos. 45 & 46). The EPA inspector used the gauge stick to measure the amount of the fuel in the tank at the time of the inspection. The amount of fuel measured was 21 1/4 inches which was about 1600 gallons.

The EPA inspector also checked the dispenser pump to see if there was a check valve located at the pump as indicated in the June, 1997 PaDEP inspection report; however the check valve was either not there or it could not be seen (See Photo No. 47).

During the subject inspection, the EPA inspector completed a copy of a leak detection inspection checklist. The completed checklist is provided as part of this report.

#### Closing Conference

At the conclusion of the inspection activities, the EPA inspection team members met with Mr. Saltzburg to discuss the preliminary inspection findings.

Gerard Crutchley discussed with Mr. Saltzburg the various issues for each of the media programs covered during the inspection as described below:

#### RCRA

Since the spring of 1997 the facility has stockpiled a large amount of baghouse dust which has been generated by their blast furnace and converter furnace baghouses. According to Mr. Saltzburg, the facility had intended on processing this dust through a zinc sulfate plant which had recently been constructed at the facility. The baghouse dust is stored in large nylon tote bags; however, all of the bags are stored outside in a haphazard manner and a number of the bags have split open spilling some of their contents onto the ground.

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There are eighty drums stored in the facility's warehouse which are marked with labels indicating they contain "flue dust - arsenical dust, UN 1562 - poisonous". In addition there are approximately 100 to 150 drums stored outside which according to Mr. Saltzburg contain the same material. Mr. Saltzburg said that they had purchased the material with intentions of reclaiming the copper in the material; however, they found that the material contained too many contaminants and they determined they could not use it in their process. The hundred or so drums stored outside are all badly corroded, most to the point where the material in the drums was exposed and some has spilled onto the ground. Although the drums stored in the warehouse were in good condition, this material has been stored at the facility for longer than a year.

A large area in the middle of the north yard had been cleared and covered over with slag material from the process. Mr. Saltzburg said that the facility had intended on grading this area with slag material and covering the area with concrete.

Gerard Crutchley also mentioned that during the inspection other materials were observed to be stored directly on the ground in different parts of the north yard.

Mr. Saltzburg stated that all of these materials (baghouse dust, slag material, etc;) were considered to be usable materials and that once the facility was back in operation these material would be used in the process; however, according to Mr. Saltzburg, they intended on selling the flue dust for use by someone else, because it contained too many contaminants for their process.

#### Clean Water Act

Gerard Crutchley told Mr. Saltzburg that EPA was aware that the facility had received notification from the City of Philadelphia that the facility was in significant non-compliance with terms and conditions of their wastewater discharge pre-treatment permit.

We next discussed the several incidents where the facility had pumped water from the facility up to the street (Castor Ave.) which then drained into the storm sewer. Mr. Saltzburg said that although he was around when these incidents occurred, he wasn't involved a lot in the day to day operations of the facility and he said that he didn't know anything about these incidents. He then said that the most recent documented incident was actually a contractor and not the facility. He said that an on site contractor involved in the construction of the zinc sulfate plant pumped water from the containment barriers around the new tanks in the system. He said that it was just rainwater which had accumulated in the containment barriers.

#### TSCA/PCBs

Franklin Smelting currently has two PCB Transformers (> 500 PPM), six PCB Contaminated Transformers (50 - 499 PPM), and two PCB Large Low Voltage Capacitors. The main electrical room where the two PCB Transformers are located contained combustible materials (e.g. paper trash, pieces of wood) at the time of the inspection.

According to Mr. Saltzburg, following the PCB inspection conducted by EPA in 1991, the facility cleaned up and repaired the leak on their PCB Transformer observed during the 1991

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inspection. Mr. Saltzburg said that the cleanup material was shipped off site for disposal. Mr. Saltzburg said that he would have to try and locate the records documenting this cleanup (e.g. manifests, certificates of disposal).

Mr. Saltzburg did locate copies of quarterly inspection records and annual records for their two PCB Transformers dating back to 1991. The annual records consisted only of the PCB Items remaining in service at the end of each calendar year. There was no record of PCB waste shipments and the documents did not contain the name, address and I.D. No. of the facility.

### UST

Mr. Saltzburg did provide copies of inventory control records for January 1997 to August 1997 for their underground tank, but he said that was all of the records that he could locate. Gerard Crutchley requested copies of all tank tightness test records, copies of results from testing the corrosion protection system (supposedly a galvanic system). Mr. Saltzburg also did not know if the drop tube in the tank extended to within one foot of the bottom of the tank. He also did not know if the dispenser pump was calibrated or if the tank's corrosion protection system had been tested (test was due in October 1997). The spill control bucket around the tank fill pipe was full of water at the time of the inspection. The gauge stick used to stick the tank was worn on the end and the 1/8 th inch markings were not visible for the first seven inches on the stick. Although not specifically discussed during the closing conference, the piping system for the underground tank is constructed of fiberglass and the piping system is sloped back to the tank with a check valve located at the dispenser pump. This determination is based on the background information obtained prior to the inspection.

: Before leaving the facility, the inspection team requested copies of the following records from Mr. Saltzburg:

1. Records regarding the financial arrangements between Franklin Smelting & MDC for sale of the slag material to MDC. How much is sold? How often?

Mr. Saltzburg said that they do have records which indicate annual estimates (tonnage) of slag sent to MDC.

2. Records regarding shipments of baghouse dust sent to the Midwest (Region VII) over the last three years.
3. Any analytical test results from the analysis of slag material, baghouse dust and drums of arsenical dust.
4. Any records regarding the removal of used solvent from their Safety Kleen parts washer (e.g. manifests).
5. Copies of all tank tightness test results for their underground storage tank.

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6. Copies of test results indicating the effectiveness of the corrosion protection system installed on their underground storage tank.
7. Documentation on the type of overfill and corrosion protection installed on their underground storage tank.
8. Any PCB analytical test results.
9. Any records (e.g. manifests, certificates of disposal) documenting the cleanup and removal of PCB material from the subject facility.

#### Additional Information

Subsequent to the actual inspection, Mr. Michael Saltzburg forwarded to the EPA Regional Office copies of a number of the documents/records which were requested during the subject inspection. These documents/records satisfy some of the regulatory compliance requirements for the various media programs addressed during the subject inspection; however, additional documentation would be required to satisfy all regulatory record keeping requirements.

#### TSCA/PCBs

Following the April 1991, PCB inspection, facility personnel initiated actions to cleanup and dispose of PCBs which had leaked from one of the facility's two PCB Transformers (I.T.E. Circuit Breaker transformer, serial no. 13811). The facility hired Cunningham Electric to perform the cleanup and handle the disposal of the PCB material. According to the documents provided by Mr. Saltzburg, the cleanup did not occur until May 1992. The records indicate that the material was shipped off site on May, 15, 1992 to Aptus located in Coffeyville, Kansas. A Uniform Hazardous Waste Manifest (NJ 1305212) was prepared which indicated that one drum of PCB material weighing 3 kilograms was transported to Aptus by Environmental Technology Corporation (ETC). The manifest and continuation sheet did include a drum identification number; however, the copy of the manifest provided by Mr. Saltzburg was not legible and it could not be determined if a removed from service date was recorded on the manifest (See Attachment No. PCB-6). This waste shipment was also transported to the disposal facility by an independent transporter (ETC) and there was no documentation to indicate that the generator (Franklin Smelting) confirmed by telephone or some other means receipt of the shipment by the TSD facility (40 CFR Part 761.208(a)(4)). It was also noted that there was no documentation to indicate that the PCB material was properly disposed of by the TSD facility (e.g. certificate of disposal).

Other documentation submitted by Mr. Saltzburg includes a copy of a letter sent to the Philadelphia Fire Department on May 10, 1991, which appears to serve as the registration of

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PCB Transformers with fire response personnel (See Attachment No. PCB-7). The letter states that a plot plan indicating the location of the active PCB Transformers is enclosed with the letter; however, this documentation was not provided by Mr. Saltzburg. A copy of PCB analytical results for the two PCB Transformers is included with the letter.

A copy of PCB analytical results from Cunningham Electric was also provided by Mr. Saltzburg (See Attachment No PCB-8). The results indicate that samples were collected from eleven transformers at the facility, other than the two PCB Transformers, and the results show that all of the transformers tested at less than 50 ppm PCB with the exception of one transformer. This transformer, serial no. B972836, was tested twice as indicated by the results and both samples tested at greater than 50 ppm PCBs (110 ppm & 169 ppm). As previously stated, the EPA inspector observed six transformers, other than the two PCB Transformers, during the subject inspection and was unable to obtain serial numbers from any of these transformers because of their location. Therefore, it is not known if any of these six transformers is the one which tested at greater than 50 ppm; however, all six of the transformers were stained indicating that they had probably leaked fluid at one time and if this transformer is one of these six, the facility needs to make this determination and then clean up any leaked material on the transformer and the area where it is located.

#### USTs

According to information provided by Mr. Saltzburg subsequent to the inspection, a tank tightness test was conducted on the facility's 10,000 gallon underground storage tank, in February, 1994 and the test results indicate that the tank did not pass the test (See Attachment No. UST-2). In March, 1994, the facility received a violation notice from the City of Philadelphia's Department of Licenses and Inspections regarding the failed tightness test. The facility's contractor (hiTech) responded to the city in a letter dated April 4, 1994 indicating that the tank had developed a leak, but it was repaired and retested. The letter indicates the tank passed the retest and the test results were enclosed with the letter; however, the documentation provided by Mr. Saltzburg does not include these test results (See Attachment No UST-3).

Also included with the documentation is a letter dated March 28, 1994, addressed to EPA Region III, which states that the tank was installed in 1986, it is a STIP3 tank with an epoxy coating and during a recent test when the top of the tank was exposed, the facility subsequently upgraded the tank and added cathodic protection. The letter also included test results from a tank tightness test; however, the test results are dated November, 1986 ( See Attachment No. UST-4).

Provided with this information, was an invoice from the facility's contractor which indicates that an overspill bucket, an overfill check valve, new product piping and cathodic protection for steel hold down wires were provided in the April 1994 time frame (See Attachment No. UST-5).

More recent information provided by Mr. Saltzburg includes an invoice from hiTech which indicates that a new overspill containment bucket was installed on the tank in June 1997 (See Attachment No. UST-6) and a copy of a cathodic protection survey conducted on the facility's tank in June 1997 (See Attachment No. UST-7). The cathodic protection survey results

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indicate that the tank does not meet EPA standards (it is not protected to the minimum level of 0.85 volts) and therefore is not adequately protected against corrosion. Without complete upgrading for spill, overfill, and corrosion protection, the facility is required to perform annual tank tightness tests on their tank and it appears that this is not being done.

Mr. Saltzburg also provided a copy of a monthly inventory record for October, 1997 (See Attachment No. UST-8). The facility initiated this document on the first day of the EPA inspection (10/15/97).

#### RCRA

As requested, Mr. Saltzburg provided a copy of a manifest for the solvent which is used in the facility's parts washer (See Attachment No. 4). The manifest indicates that the material in the parts washer is a waste combustible liquid (petroleum naphtha) with the waste codes for ignitability (D001) and toxicity characteristics (D006, D008, D018, D027, D039, & D040). This particular manifest was dated May 14, 1997 and indicates that 19 gallons of solvent were removed from the facility at that time.

Mr. Saltzburg also provided a copy of an MSDS sheet for the flue dust contained in the drums in the facility's warehouse and possibly in the corroded drums located in the facility's north yard (See Attachment No. 5).

#### Summary of Findings

Following is a summary of findings and compliance issues resulting from a multi media inspection that was conducted by EPA Region III at the Franklin Smelting & Refining Corporation located on Castor Avenue in Philadelphia, Pennsylvania. During the inspection, EPA personnel reviewed the facility's procedures with respect to the various environmental regulatory programs addressed during the inspection. The specific regulatory programs covered during the inspection were RCRA, Subtitle C (management of hazardous waste), RCRA, Subtitle I (underground storage tanks), TSCA, Section 6(e) (PCB Rule), and CWA (NPDES/pretreatment

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& storm water).

The facility was not operating at the time of the subject inspection which made the inspection somewhat more difficult because of the absence of key personnel who have specific knowledge about the facility's operations and how materials are normally handled at the facility when in full operation.

RCRA, Subtitle C, (management of hazardous waste)

Franklin Smelting & Refining Corporation has never notified under RCRA as a hazardous waste generator or a TSD facility. The facility, when in operation, does generate large amounts of materials which they claim are either co-products (slag material) or beneficially reclaimed materials (baghouse dust) and are not regulated under the Resource Conservation and Recovery Act.

RCRA does allow for exemption of certain materials from regulation provided that they are a valid co-product or they are used in a manner which facilitates beneficial reclamation; however, the inspection findings indicate that these materials are not being used in such a manner as to facilitate beneficial reclamation or justify the facility's claim of some materials being a co-product; therefore, these materials would be subject to regulation under RCRA. Following is a listing of the specific findings which support this statement:

1. The materials presently stockpiled at the facility (slag material, baghouse dust and drums of arsenical dust) all exhibit a characteristic of hazardous waste (TCLP metals).
2. A large amount of slag, material normally sold to MDC Corporation for processing, is presently being used as fill material in a large area of the facility's north yard. Mr. Michael Saltzburg stated that they had intended on covering this material with concrete to form a storage pad. This material contains 46.2 mg/L of lead. The TCLP regulatory limit is 5.0 mg/L.
3. Several hundred bags containing dust from the facility's baghouse are stockpiled in the facility's north yard. The bags are stored haphazardly and a number of bags have split open allowing the material to be spilled onto the ground. This material contains 109 mg/L of lead and 7.12 mg/L of cadmium. The TCLP regulatory limits are 5.0 mg/L for lead and 1.0 mg/L for cadmium.
4. Approximately 100 to 150 fifty-five gallon drums are presently stored in the facility's north yard. Mr. Saltzburg stated that these drums contained flue dust which the facility had intended on reclaiming in their process. All of the drums are badly corroded, some to the point where the material has been exposed and has spilled onto the ground. Mr. Saltzburg stated that he did not know how long the drums had been in storage. The material in one of these drums contains 42.8 mg/L of lead and 6.5 mg/L of selenium. The TCLP regulatory limits are 5.0 mg/L for lead and 1.0 mg/L for selenium.
5. There are eighty drums of material labeled as flue dust in the facility's warehouse which,

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according to Mr. Saltzburg, have been in storage for greater than one year. A sample of this material contained 7.81 mg/L of arsenic, 67.9 mg/L of cadmium, 22.3 mg/L of lead and 4.69 mg/L of selenium. The regulatory limits are 5.0 mg/L for arsenic, 1.0 mg/L for cadmium, 5.0 mg/L for lead and 1.0 mg/L for selenium.

6. Samples of material collected directly from the ground in the north yard and outside the facility adjacent to a city street exhibit the RCRA characteristic for lead.

#### RCRA, Subtitle I (underground storage tanks)

The facility has one 10,000 gallon underground tank which is used to store gasoline for use in the facility's vehicles. The leak detection method used by the facility is monthly inventory control and tank tightness testing. The EPA inspector noted the following discrepancies with the facility's leak detection procedures:

1. At the time of the inspection, monitoring and testing records had not been maintained for the past twelve months.
2. The gauge stick used for measuring the amount of fuel contained in the tank is worn on the end and the 1/8 th inch markings are not legible on the first seven inches of the stick.
3. Information obtained prior to the inspection (PaDEP UST inspection report) indicated that the corrosion protection installed on the tank in 1994 is not adequate and would therefore require the facility to conduct annual tank tightness testing on their tank. The facility could not provide any documentation to indicate that this is being done.
4. At the time of the inspection, the spill control bucket around the tank fill pipe was full of water. The facility personnel need to prevent this from occurring.
5. Facility personnel also did not know if the drop tube extended to within one foot of the tank bottom and they did not know if the dispenser pump had been calibrated.

#### TSCA, Section 6(e) ( PCBs)

The facility has two PCB Transformers (> 500 ppm) and two large low voltage PCB Capacitors. The facility also has a number of other transformers which were observed during the subject inspection. Following are the deficiencies noted by the EPA inspector with respect to the PCBs on site at the time of the inspection:

1. The facility has prepared and maintained annual reports for their two PCB Transformers; however these records do not include all of the information required by the PCB Rule. Specifically they do not contain the name, address and I.D. of the facility or documentation of PCB waste shipments (e.g. certificates of disposal and some means of verifying receipt of waste shipments by an independent transporter).

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2. At the time of the subject inspection, the EPA inspector observed combustible materials (paper trash and pieces of cut wood) inside the electrical room containing the two PCB Transformers. This same situation was observed during the 1991 EPA PCB inspection.
3. Subsequent to the inspection, the facility provided information which indicated that one of the other transformers on site tested at greater than 50 ppm PCBs (110 - 169 ppm). Although it was not determined if this transformer was observed during the inspection, the EPA inspector observed stains on most of the transformers at the facility indicating that they had probably leaked fluid at some point in time.

Clean Water Act

1. The facility has not implemented an effective storm water management plan which would provide adequate procedures to control the release of possibly contaminated storm water from the facility.